



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,466	01/26/1999	DEREK IAN JOSEPH HOPKINS	FHW-037	7489

7590 09/20/2005

David R Burns Esq
Lahive & Cockfield LLP
28 State Street
Boston, MA 02109

EXAMINER

LY, ANH

ART UNIT	PAPER NUMBER
----------	--------------

2162

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/237,466

Applicant(s)

HOPKINS, DEREK IAN JOSEPH

Examiner

Anh Ly

Art Unit

2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is response to Applicant's Response filed on 09/09/2005.
2. Claims 1-8 are pending in this application.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2162

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No.: 5,835,059 issued to Nadel et al. (hereinafter Nadel) in view of US Patent No.: 4,110,605 issued to Miller, and further in view of US Patent. No.: 5,673,031 issued to Meier.

With respect to claim 1, Nadel teaches a method of analyzing data link message (using a test program to analyze the message: col. 9, lines 54-67);

receiving a plurality of data link messages, and include a message type field and at least one message content field whose meaning is determined by the message type (DPS is receiving a plurality of data link message from any type of source, which is a distinct of message type from message management system, FEI, ground controller processor and workstations, fig. 3, col. 6, lines 64-67 and col. 7, lines 1-15 and lines 65-67 and col. 8, lines 1-22);

storing the plurality of data link messages in a database (data link message stores in the tracking file of DPS: col. 19, lines 50-55 and fig. 6, item 94);

assigning each data link message to one of a plurality of message groups according to the message type field so that each group contains data link messages of a specific message type (message groups are based on the type of messages: col. 18, lines 30-64).

Nadel teaches tracking data link message related to air traffic control and all data link message storing in the DPS as shown in fig. 3 and 6. Nadel also teaches a list of active message to be displayed. Nadel does not clearly teach tabulating the messages

so as to align corresponding message content fields; displaying the tabulated messages so that the corresponding message content fields are aligned; and displaying a list of field contents for each message content field.

However, Miller teaches the messages are stored under tabulated format and displayed to the user based on the message content fields (figs. 14-15; col. 10, lines 60-67 and col. 11, lines 1-5).

Therefore, based on Nadel in view of Miller, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Nadel and Miller, because using the steps of "tabulating the message ... display a list of field contents" would have given those skilled in the art the ability to have the data link messages corresponding message content fields to be displayed in a tabulated format. This gives users the advantage of enabling the user to analyze the data link messages more efficiently. Nadel and Miller do not teach the list being filtered to remove repeated incidence of the same content.

However, Meier teaches detecting the duplicated message by removing or discarding the duplicated content data link message (col. 11, lines 50-65).

Therefore, based on Nadel in view of Miller, and further in view of Meier, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Meier to the system of Nadel to removing the duplicated data link message from the list to be displayed. Because using the steps of "the list being filtered to remove repeated ... the same content", would have given those skilled in the art the tools to analyze the data link messages and remove the duplicated

messages. The motivation being to reduce the processing time for collecting the data link messages to be displayed.

With respect to claim 2, Nadel teaches wherein the processing is applied to all groups (message groups are based on the type of messages: col. 18, lines 30-64).

With respect to claim 3, Nadel teaches wherein each group contains all data link messages of a specific message type (DPS is receiving a plurality of data link message from any type of source, which is a distinct of message type from message management system, FEI, ground controller processor and workstations, fig. 3, col. 6, lines 64-67 and col. 7, lines 1-15 and lines 65-67 and col. 8, lines 1-22).

With respect to claim 4, Nadel teaches wherein the list is sorted (data link message is filtered: col. 9, lines 8-15).

With respect to claim 5, Nadel teaches wherein the group is filtered so as to display only messages having a particular content for that field type, the content having been selected from the list (col. 5, lines 28-67 and col. 6, lines 1-20).

With respect to claim 6, Nadel teaches wherein the list is filtered to removed repeated incidence of content falling with a specified range (col. 15, lines 5-285).

With respect to claim 7, Nadel teaches which the data link messages are tactical data link messages (col. 9, lines 32-40).

With respect to claim 8, Nadel in view of Miller teaches a method as discussed in claim 1.

Nadel teaches tracking data link message related to air traffic control and all data link message storing in the DPS as shown in fig. 3 and 6. Nadel also teaches a list of

active message to be displayed. Nadel does not clearly teach tabulating the messages so as to align corresponding message content fields; displaying the tabulated messages so that the corresponding message content fields are aligned; and displaying a list of field contents for each message content field.

Nadel teaches a system and method of capturing data/message from a network and stored messages in a table and displaying them in a tabular format with each tab holding data for a group. Nadel does not clearly teach the tabulating messages.

However, Miller teaches the messages are stored under tabulated format and displayed to the user based on the message content fields (figs. 14-15; col. 10, lines 60-67 and col. 11, lines 1-5).

Therefore, based on Nadel in view of Miller, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined the teachings of Nadel and Miller, because using the steps of "tabulating the message ...display a list of filed contents" would have given those skilled in the art to have ability to have the data link messages corresponding message content fields to be displayed in a tabulated format. This gives users the advantage of enabling the user to analyze the data link messages more efficiently. Nadel and Miller do not teach the messages are tactical data link messages originating from a plurality of military platforms, the messages being in digital form, at least some of which being transmitted by the units via a wireless network.

However, Meier teaches wireless connections in the network (col. 10, lines 61-67).

Art Unit: 2162


Therefore, based on Nadel in view of Miller, and further in view of Meier, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Meier to the system of Nadel to removing the duplicated data link message from the list to be displayed. Because using the steps of "the message being in digital form, ... via a wireless network", would have given those skilled in the art the tools to analyze the data link messages and remove the duplicated messages. The motivation being to reduce the processing time for collecting the data link messages to be displayed.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh Ly whose telephone number is (571) 272-4039 or via E-Mail: ANH.LY@USPTO.GOV or fax to **(571) 273-4039**. The examiner can normally be reached on TUESDAY – THURSDAY from 8:30 AM – 3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on (571) 272-4107 or **Primary Examiner Jean Corrielus (571) 272-4032**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231, or faxed to: Central Fax Center **(571) 273-8300**

ANH LY 
SEP. 15th, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER